

UNITED STATES DISTRICT COURT
WESTERNDISTRICT OF WASHINGTON
SEATTLE, WASHINGTON

CARLOS DANIEL ACOSTA,)
Plaintiff,) Case No. C14-420 RSM
vs.)
UNITED STATES, ET al.,) PRETRIAL ORDER
Defendants.)
_____)

JURISDICTION

Jurisdiction is vested in this court by virtue of 8 U.S.C. §1503(a) (jurisdiction to issue declaratory judgment on behalf of a U.S. citizen) and 18 U.S.C. §1331 (federal question jurisdiction).

CLAIMS AND DEFENSES

Plaintiff will pursue at trial the following claims:

1. Plaintiff Carlos Daniel Acosta is a national and citizen of the United States;
2. The Department of State improperly confiscated Plaintiff's passport and/or improperly denied Plaintiff's application for a passport, and should either return or issue to Plaintiff a United States passport.

Defendants will pursue the following defense:

Plaintiff has failed to meet his burden of proving that he is a United States citizen by virtue of his birth in the United States pursuant to 8 U.S.C. § 1503.

ADMITTED FACTS

The following facts are admitted by the parties:

1. Carlos Manuel Acosta Rodriguez (father of Plaintiff) and Maria de los Angeles Meraz de Acosta (mother of Plaintiff) were born in Mexico, are citizens of Mexico, and have never been citizens of the United States.

2. Carlos Manuel Acosta Rodriguez and Maria de los Angeles Meraz de Acosta have two children, Celia Maria Acosta and Carlos Daniel Acosta (Plaintiff).

3. Celia Maria Acosta was born in Cuahatemoc, Chihuahua, Mexico on September 14, 1979.

4. Carlos Daniel Acosta was born on July 23, 1983.

5. From May 1979 to December 1986, Carlos Manuel Acosta Rodriguez and Maria de los Angeles Meraz de Acosta owned a home where they resided at Ruben Posada Pompa, 5251, Fraccionamiento, Cd. Juarez, Chihuahua, Mexico.

6. From 1979 through 1989, including during the year of 1983, Carlos Manuel Acosta Rodriguez was employed as a maintenance manager by Instituto Mexicano del Seguro Social (IMSS) hospitals in Mexico.

7. Carlos Manuel Acosta Rodriguez had a U.S. border crossing card that was issued on February 24, 1977. The border crossing card and was valid through at least March 1, 1984.

8. Maria de los Angeles Meraz de Acosta had a U.S. border crossing card that was issued on March 26, 1980. The border crossing card and was valid through at least March 1, 1984.

9. Josefa Gutierrez Cisneros was the aunt of Maria de los Angeles Meraz de Acosta. In 1983 she owned a house and lived at 504 Sutley Street, Center, Colorado.

10. Rodrigo Cisneros, born on October 16, 1975, is the son of Josefa Gutierrez Cisneros. In 1983 he lived at 504 Sutley Street, Center, Colorado.

1 11. Josefa Gutierrez Cisneros passed away in October 2011.

2 12. A Birth Certificate for Carlos Daniel Acosta, stating Place of Birth as Cuauhtemoc,
3 Chihuahua, Mexico and Date of Birth as July 23, 1983, was issued by the State of Chihuahua, Mexico,
4 on August 5, 1983.

5 13. Cuauhtemoc is approximately 293 miles from where Mr. Acosta's parents lived in Juarez,
6 Mexico. Juarez is directly across the Rio Grande from El Paso, Texas which is the closest Port of Entry
7 into the United States from both Cuauhemoc and Juarez.
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9 14. A Birth Certificate for Carlos Daniel Acosta, stating Place of Birth as 504 Sutley Street,
10 Center, Colorado, and Date of Birth as July 23, 1983, was registered by the State of Colorado on
11 February 29, 1984.
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13 15. Center Colorado is approximately 477 miles from where Mr. Acosta's parents lived in
14 Juarez, Mexico.

15 16. Carlos Daniel Acosta has a Baptismal Certificate that states that he was baptized at St.
16 Francis Jerome Church in Center, Colorado on October 16, 1983. The certificate states that it was
17 issued by St. Francis Jerome Church on October 16, 1983.
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19 17. In July 2001 Carlos Daniel Acosta graduated from Centro de Bachillerato Tecnologico
20 Agropecuario #90 (CBTA 90) High School in Cuauhtemoc, Chihuahua, Mexico.

21 18. In June 2006 Carlos Daniel Acosta graduated with a Bachelors degree in Mechatronics
22 Engineering from Instituto Tecnologico de Ciudad Cuauhtemoc (ITCC).
23

24 19. From 2010 to the present Carlos Daniel Acosta has been employed at the Boeing Company
25 in Everett, Washington. His current position is Mechanical and Structural Engineering Manager.

26 20. On or about August 1, 2006, the United States Department of State issued a passport to
27 Carlos Daniel Acosta.
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1 1. Carlos Daniel Acosta (Plaintiff) will testify regarding what he has been told and what he
2 believes regarding his place of birth, the revocation of his U.S. passport, and the denial of his
3 application for a U.S. passport.

4 2. Maria de los Angeles Meraz Gutierrez will testify concerning the facts and circumstances of
5 the birth of Carlos Daniel Acosta, the birth certificates and baptismal certificate that were issued
6 for Carlos Daniel Acosta, and to identify photographs.

7
8 3. Carlos Manual Acosta Rodriguez will testify concerning the facts and circumstances of the
9 birth of Carlos Daniel Acosta, the birth certificates and baptismal certificate that were issued for
10 Carlos Daniel Acosta, and to identify photographs.

11 4. Rodrigo Cisneros Gutierrez will testify concerning the facts and circumstances of the birth of
12 Carlos Daniel Acosta, and to identify photographs.

13
14 5. Maria Magdalena Mendoza Rodriguez may testify concerning the facts and circumstances of
15 the medical treatment received by Maria de los Angeles Meraz Gutierrez and Carlos Daniel
16 Acosta shortly after the birth of Carlos Daniel Acosta.

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18 (b) On behalf of Defendants:

19 Defendants plan to cross-examine Plaintiff's witnesses, but do not plan to call their own.

20 EXHIBITS

21 (a) Admissibility stipulated:

22 Plaintiff's Exhibits

- 23
24 1. Birth Certificate (issued by State of Colorado on 3/14/1984)
25 2. Letter of Testimonial (issued by State of Colorado on 3/15/2013)
26 3. Copy of Border Crossing Card for Maria de los Angeles Meraz de Acosta (issued 3/26/1980)
27 4. Copy of Border Crossing Card for Carlos Manuel Acosta Rodriguez (issued 2/24/1977)
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1 5. Diploma for High School (with translation)

2 6. Diploma for College (with translation)

3 7. Passport of Carlos Daniel Acosta

4 8. Revocation Notice of Passport

5 9. Application for Passport

6 10. Denial of Passport

7 11. Birth Registration in Mexico (with translation)

8 Defendants' Exhibits

9 A-1. Letter from Dr. Luis Benitez Vertiz

10 A-2. Receipt for Full Mortgage Payment of House in Juarez, Chihuahua in December 1983 by
11 Carlos Manuel Acosta

12 A-3. Letter regarding Cancellation of Plaintiff's Mexican Birth Record

13 A-4. Vaccination Registration Card

14 (b) Authenticity stipulated, admissibility disputed:

15 Plaintiff's Exhibits

16 N/A

17 Defendants' Exhibits

18 N/A

(c) Authenticity and admissibility disputed:

Plaintiff's Exhibits

12. Baptismal Certificate (issued by St. Francis Jerome Church on 10/16/1983)
13. Certificate of Confirmation (issued by Diocese of Cuauhtemoc on 11/28/1998) (with translation)
14. Photograph of car in driveway at 504 Sutley Street (July 1983)
15. Photograph of truck in driveway at 504 Sutley Street (approx. 2013)
16. Photograph of Josefa and Rodrigo in chair in living room (July 1983)
17. Photograph of living room (approx. 2013)
18. Photograph of children in kitchen (July 1983)
19. Photograph of kitchen (approx. 2013)
20. Photograph of Maria de los Angeles Meraz de Acosta and Carlos Daniel Acosta (July 1983)
21. Photograph of Carlos Daniel Acosta (July 1983)

Defendants' Exhibits

N/A

ACTION BY THE COURT

- (a) This case is scheduled for trial without a jury on March 23, 2015, at 9:00 a.m.
- (b) Trial briefs shall be submitted to the court on or before March 18, 2015.
- (c) N/A
- (d) N/A

1 This order has been approved by the parties as evidenced by the signatures of their counsel. This
2 order shall control the subsequent course of the action unless modified by a subsequent order. This order
3 shall not be amended except by order of the court pursuant to agreement of the parties or to prevent
4 manifest injustice.

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6 Dated this 12th day of March 2015.

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8 RICARDO S. MARTINEZ
9 UNITED STATES DISTRICT JUDGE
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11
12 FORM APPROVED

13 /s/ Robert Pauw

14 ROBERT PAUW
15 Attorney for Plaintiff

16 /s/ John J. W. Inkeles

17 JOHN J. W. INKELES
18 Attorney for Defendant
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